

Remarks

Claims 1-5, 10, 12, 13, 16, 18-28, 33, 36, 39, 41, 43-47 and 49-56 were pending in this application. Claims 1-5, 10, 12-13, 16 and 18 were previously allowed. Claims 35, 50 and 54 were objected to in the prior Office action, but were noted to be allowable if reformatted into independent form. Claim 35, 50 and 54 are amended herein to be in independent form. Claims 19-28, 33, 36, 39, 41, 49, 51-53, and 55-56 are canceled herein

New claims 57-61 are added herein. New claims 57-58 are directed to subject matter previously included in claims 25 and 41 respectively; new claims 57-58 depend from allowed claim 1. New claim 59 is directed to oligonucleotides "consisting of" the nucleotide sequences specified in allowed claim 1. New claims 60-61 are directed to oligonucleotides "consisting of" the nucleotide sequences specified in allowable claims 50 and 54, respectively. As all of this subject matter was previously examined and these new claims do not raise any new issues for consideration by the Examiner.

Applicants believe no new matter is added herein. After entry of this amendment, **claims 1-5, 10, 12-13, 16, 18, 35, 43-47, 49-50, 54 and 57-61 are pending in this application.** Allowance of the subject application is respectfully requested.

Allowable subject matter and Interview Summary

Claims 1-5, 10, 12-16 and 18 were allowed.

Claims 35, 43-47, 50 and 54 were objected to for depending on a rejected base claim, but were indicated to be allowable if amended to be in independent form or to depend from an allowable claim. The Examiner confirmed in a telephone interview on February 23, 2008 that there was a typographical error in the Office action. Specifically, the Examiner confirmed that claim 43 was in independent form, and thus that claims 43-47 were also in condition for allowance.

Thus, only claims 35, 50 and 54 were objected to for depending on a rejected base claim. Claims 35, 50 and 54 are amended herein to be in independent form, placing claims 35, 50 and 54 in condition for allowance.

New claims 59-61 are added herein. New claims 57-58 are directed to subject matter previously included in claims 25 and 41 respectively; new claims 57-58 depend from allowed claim 1.

Thus, new claims 57-58 should also be in condition for allowance. New claim 59 is directed to oligonucleotides "consisting of" the nucleotide sequences specified in allowed claim 1. Similarly, new claims 60-61 are directed to oligonucleotides "consisting of" the nucleotide sequences specified in allowable claims 50 and 54, respectively. Thus, new claims 59-61 should also be in condition for allowance.

Rejection Under 35 U.S.C. § 102

Claims 19-28, 33, 36, 39, 41, 49, 51-53 and 55-56 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by West et al. (WO1993/023572, dated November 25, 1993). Applicants respectfully disagree with this rejection. However, solely to obtain a rapid allowance of the subject application, claims 19-28, 33, 36, 39, 41, 49, 51-53 and 55-56 are canceled herein, rendering the rejection moot. Applicants expressly reserve the right to prosecute any deleted subject matter in a continuation application.

Conclusion

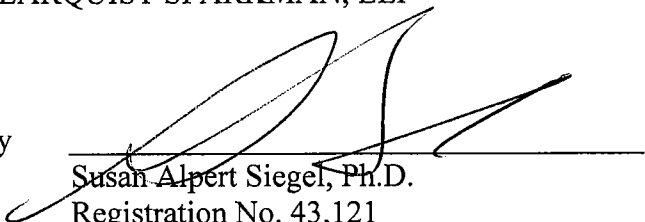
Applicants believe that all of the pending claims are in condition for allowance, which action is requested. The Applicants have made every effort to limit this application to subject matter noted to be allowable in the final Office action and the telephone interview of February 23, 2009. *If any issues remain prior to allowance, the Examiner (and the Primary Examiner, if required by the US PTO) is formally requested to contact the undersigned prior to issuance of the next Office action, in order to arrange a telephonic interview.* It is believed that a brief discussion of the merits of the present application may expedite prosecution. This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Susan Alpert Siegel, Ph.D.
Registration No. 43,121